

UNITED STATES OF AMERICA
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)
)
v.)
)
BENJAMIN ESPINOZA)
)

CRIMINAL NO. 05M-1014-JGD
U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO MODIFY CONDITIONS OF RELEASE

The Defendant, Benjamin Espinoza, hereby moves this Honorable Court to modify its order on the issue of detention. The Defendant states the following grounds in support of her motion:

1. On February 9, 2005, after hearing, this Court ordered that Mr. Espinoza be released upon the provision of an unsecured bond in the amount of \$25,000.00.
2. The provision of such a bond, secured by the defendant's home in Texas would take considerable time to execute, as it requires not only a mortgage and quitclaim deed to be granted to the court, but also to be recorded at the Registry of Deeds. While the documents are being located and transferred between Texas and Massachusetts for execution by both Mr. Espinoza and his wife, Mr. Espinoza remains incarcerated and Mrs. Espinosa remains alone with her eleven year old daughter and wheelchair-bound brother. (The defendant's older son is in the army and is presently in Iraq.)
3. The defendant has access to funds in the amount of \$10,000 to offer the court as security for his appearance, which could be posted in Boston much more quickly than the secured bond contemplated in the order.

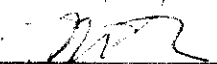
4. Defense counsel has contacted AUSA Robert Richardson in the hopes of obtaining the government's assent, but has been unable to reach him.

WHEREFORE, the Defendant respectfully requests this Honorable Court to allow the late filing of her motion.

Respectfully submitted,

BENJAMIN ESPINOZA

By his Attorney



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CERTIFICATE OF SERVICE

The undersigned, counsel for the defendant, hereby certifies that the within document has been served on all parties of interest.

2/14/05
Date



Leslie Feldman-Rumpler, Esq.